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TC 1700

Attorney Docket No.: 55559US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11  
TC 1700

Applicant: John R. Jacobson et al.  
Serial No.: 09/808,584  
Filed: March 14, 2001  
Title: COATING APPARATUS

Art Unit: 1734  
Examiner: Edwards

Assistant Commissioner for Patents  
Washington, D.C. 20231  
BOX AF

RESPONSE

In response to the outstanding final Office action dated December 5, 2002,  
Applicants submit the following remarks.

Remarks

Applicants thank the Examiner for kindly extending their representative Allison Johnson, Mr. John Jacobson and Ms. Linda Ruffing the courtesy of a teleconference interview on January 27, 2003. Applicants attempted to put forth their position that none of the cited references teach a metering bar positioned against an applicator roller. After discussing Schäfer I the Examiner would not entertain Applicants' position with respect the remaining references. No agreement was reached.

For a reference to be deemed anticipated under 35 U.S.C. § 102(b), the cited reference must teach each and every limitation of the claimed invention. Verdegaal Bros., Inc., v. Union Oil Co., 814 F.2d 628, 631 (Fed. Cir. 1987). If the reference fails to teach even one limitation of the claimed invention, then the claim is not anticipated under § 102(b). Atlas Powder Co. v. E.I. du Pont De Nemours & Co., 750 F.2d 1569, 1574 (Fed. Cir. 1984). It is also well established that all limitations in a claim must be considered and that it is error to ignore specific limitations that distinguish over a cited reference. See, e.g., Application of Boe, 505 F.2d 1297 (C.C.P.A. 1974), citing In re Saether, 492 F.2d 849 (Cust. & Pat.App.1974); In re Glass, 472 F.2d 1388 (Cust. & Pat.App.1973).

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

February 10, 2003

Date of Deposit

Signature

Allison Johnson

Typed or Printed Name of Person Signing Certificate